

# EXHIBIT 43

1 BRENT ALLEN LARSON  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
4 OXFORD DIVISION

5  
6 JOHN RASH,

7 Plaintiff,  
8  
9 v. CIVIL ACTION NO.:  
10 LAFAYETTE COUNTY, 3 :20-cv-224-NBB-RP  
11 MISSISSIPPI,  
12 Defendant.  
13  
14  
15 VIDEOTAPED REMOTE DEPOSITION OF  
16 BRENT ALLEN LARSON  
17 Thursday, January 14, 2021  
18 9:13 a.m. Central Standard Time  
19  
20  
21  
22  
23 Reported by:  
24 GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S  
25 JOB NO.: 188442

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2		2	A P P E A R A N C E S
3		3	
4		4	FOR THE PLAINTIFF:
5	January 14, 2021	5	
6	9:13 a.m. Central Standard Time	6	Isaac Rethy, Esq.
7		7	
8	Videotaped remote deposition of	8	SIMPSON THACHER
9	BRENT ALLEN LARSON, before Greta H. Duckett,	9	425 Lexington Avenue
10	CCR, RPR, CRR, CVR-S, RVR-M-S.	10	New York, New York 10017
11		11	
12		12	
13		13	Landon Thames, Esq.
14		14	
15		15	ACLU OF MISSISSIPPI
16		16	P.O. Box 2242
17		17	Jackson, Mississippi 39225
18		18	
19		19	
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4		4	
5	FOR LAFAYETTE COUNTY, MISSISSIPPI:	5	BRENT ALLEN LARSON
6		6	BY MR. RETHY
7	David O'Donnell, Esq.	7	10
8		8	
9	CLAYTON O'DONNELL	9	
10	1403 Van Buren Avenue	10	
11	Oxford, Mississippi 38655	11	
12		12	
13		13	
14	ALSO PRESENT:	14	
15		15	
16	Mike Pham, videographer	16	
17		17	
18		18	
19		19	
20		20	
21		21	
22		22	
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5			5	EXHIBIT 11 9/3/2020 email to Larson from Rikard; Bates Lafayette County DOC000046
6	EXHIBIT 2 Order: Amend Facility Use Policy Regarding Use of Courthouse Grounds; Bates Lafayette County DOC000052	23	6	to Lafayette County DOC000047
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8	EXHIBIT 3 Photographs	27	8	
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11			11	
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1	BRENT ALLEN LARSON		1	BRENT ALLEN LARSON
2	THE VIDEOGRAPHER: Good		2	MR. RETHY: Yes.
3	morning, Counselors. My name is		3	MR. O'DONNELL: Yes. No
4	Michael Pham. I am a legal		4	objection.
5	videographer in association with		5	THE VIDEOGRAPHER: Thank you.
6	TSG Reporting, Incorporated.		6	This is the start of the
7	Due to the severity of		7	remote video-recorded deposition of
8	COVID-19 and following the practice		8	Brent Larson in the matter of John
9	of social distancing, I will not be		9	Rash versus Lafayette County,
10	in the same room with the witness.		10	Mississippi, being heard in the
11	Instead, I will record this		11	United States District Court,
12	videotaped deposition remotely.		12	Northern District of Mississippi,
13	Our court reporter, Greta Duckett,		13	Oxford Division, case number
14	also will not be in the same room		14	3:20-cv-224-NBB-RP. Today's date
15	and will swear the witness		15	is January 14th, 2021. The time on
16	remotely.		16	the record is approximately
17	Do all parties stipulate to		17	9:13 a.m.
18	the validity of this video		18	Counsel, will you please
19	recording and remote swearing and		19	introduce yourselves, plaintiffs
20	that it will be admissible in the		20	first.
21	courtroom as if it had been taken		21	MR. RETHY: Good morning. My
22	following Rule 30 of the Federal		22	name is Isaac Rethy. I'm an
23	Rules of Civil Procedure and the		23	attorney with Simpson Thacher &
24	state rules where this case is		24	Bartlett. I represent plaintiff,
25	pending?		25	John Rash.

<p style="text-align: right;">Page 10</p> <p>1                    BRENT ALLEN LARSON</p> <p>2                    MR. THAMES: Good morning.</p> <p>3                    My name is Landon Thames. I work</p> <p>4                    with the ACLU of Mississippi, and I</p> <p>5                    will be representing the plaintiff,</p> <p>6                    John Rash, as well.</p> <p>7                    MR. O'DONNELL: This is David</p> <p>8                    O'Donnell on behalf of Lafayette</p> <p>9                    County, Mississippi.</p> <p>10                  THE VIDEOGRAPHER: Would the</p> <p>11                  court reporter please swear in the</p> <p>12                  witness.</p> <p>13                  BRENT ALLEN LARSON,</p> <p>14                  the witness, having first been duly</p> <p>15                  sworn to speak the truth, the whole truth and</p> <p>16                  nothing but the truth, testified as follows:</p> <p>17                  EXAMINATION</p> <p>18 BY MR. RETHY:</p> <p>19 Q. Good morning, Mr. Larson.</p> <p>20 A. Good morning.</p> <p>21 Q. Have you ever been deposed before?</p> <p>22 A. One other time.</p> <p>23 Q. And when was that?</p> <p>24 A. I don't know. I'd have to</p> <p>25 speculate on that. Maybe 10 years ago.</p>	<p style="text-align: right;">Page 11</p> <p>1                    BRENT ALLEN LARSON</p> <p>2                    Q. And what was the nature of that</p> <p>3 deposition?</p> <p>4                    A. I own a grocery store, and it was a</p> <p>5 truck driver suing our company for having a</p> <p>6 crushed foot from a dock plate dropped on it.</p> <p>7                    Q. Other than that, have you ever</p> <p>8 given testimony, either in court or out of</p> <p>9 court?</p> <p>10                  A. I have.</p> <p>11                  Q. And could you describe those</p> <p>12 circumstances?</p> <p>13                  A. We own a grocery store, a family</p> <p>14 business. And, regularly, I go to city court</p> <p>15 to testify on our business behalf for</p> <p>16 shoplifter prosecution, and I've also testified</p> <p>17 in federal court here in Oxford on a</p> <p>18 counterfeit-money operation here in Oxford that</p> <p>19 we were the ones that received the counterfeit</p> <p>20 bill.</p> <p>21                  Q. Okay. Thanks. Do you have a</p> <p>22 binder of documents?</p> <p>23                  A. I do.</p> <p>24                  Q. Okay. Great. And could you just</p> <p>25 state your full name and address for the</p>
<p style="text-align: right;">Page 12</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 record.</p> <p>3                  A. My name is Brent Allen Larson.</p> <p>4                  Q. And could you state your address,</p> <p>5 as well?</p> <p>6                  A. 136 County Road 423, Oxford,</p> <p>7 Mississippi 38655.</p> <p>8                  Q. Are you currently a member of the</p> <p>9 Lafayette County Board of Supervisors?</p> <p>10                 A. Yes.</p> <p>11                 Q. And which district do you</p> <p>12 represent?</p> <p>13                 A. One.</p> <p>14                 Q. How long have you had that</p> <p>15 position?</p> <p>16                 A. 12 months.</p> <p>17                 Q. And who was the -- who held that</p> <p>18 position before you did?</p> <p>19                 A. Kevin Frye.</p> <p>20                 Q. And did you run in a contested</p> <p>21 election against Mr. Frye for that position?</p> <p>22                 A. No, I did not.</p> <p>23                 Q. Did you do anything to prepare for</p> <p>24 today's deposition?</p> <p>25                 A. I did.</p>	<p style="text-align: right;">Page 13</p> <p>1                    BRENT ALLEN LARSON</p> <p>2                    Q. Could you describe what that was?</p> <p>3                    A. I met with Mr. O'Donnell.</p> <p>4                    Q. For approximately how long?</p> <p>5                    A. An hour and a half.</p> <p>6                    Q. Have you spoken to anyone other</p> <p>7 than Mr. O'Donnell about the deposition?</p> <p>8                    A. Yes.</p> <p>9                    Q. Who else have you spoken to?</p> <p>10                  A. Lisa Carwyle. I just asked how it</p> <p>11 went, just general questions.</p> <p>12                  Q. And do you recall what she said?</p> <p>13                  A. It was long.</p> <p>14                  Q. And anything beyond that?</p> <p>15                  A. No, no. I just asked them how it</p> <p>16 went.</p> <p>17                  Q. Hopefully, this won't be too long</p> <p>18 today.</p> <p>19                  A. Okay.</p> <p>20                  Q. I don't think we're going to go</p> <p>21 through each one of the documents in the</p> <p>22 binder. So in terms of just deposition</p> <p>23 procedure on Zoom, I'm going to be asking</p> <p>24 questions. If you can't hear me, either</p> <p>25 because I'm just talking too quietly or not</p>

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1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	coherently or because there's a technical	2	doing it.
3	issue, please let me know so that I can try to	3	Q. Have you held a public office
4	fix the issue or restate my question. Does	4	before this year or before the start of your
5	that make sense?	5	term on the board of supervisors?
6	A. Yes, sir. It does.	6	A. Yes. I was on the Lafayette County
7	Q. And now, if there is a -- you know,	7	school board for three years.
8	some kind of technical issue and someone drops	8	Q. I'm sorry. You said "school
9	off, then we'll -- you know, we'll have to	9	board"?
10	adjourn and come back once that technical issue	10	A. Yes. School board.
11	is resolved.	11	Q. And what years was that?
12	A. Okay.	12	A. The three previous years of '16 --
13	Q. The -- your counsel might make	13	'17, '18, and '19.
14	objections, but unless he tells you not to	14	Q. So we're going to look at a
15	answer, you should proceed to answer, even	15	document now. And this will be Exhibit 1.
16	though he's objected to the question. Does	16	I'll drop it in the chat. And it's tab 3 of
17	that make sense?	17	your binder.
18	A. Yes, it does.	18	(Exhibit 1 was marked for
19	Q. So could you explain why you	19	identification.)
20	decided to join the board of supervisors?	20	BY MR. RETHY:
21	A. I enjoy serving the public. I've	21	Q. Is this a document called, Facility
22	been in the business of selling groceries for	22	Use Policy?
23	30 years, and I'm a lifelong Oxford resident,	23	A. Yes.
24	and I just wanted to continue in a different	24	Q. And it says, Effective Date:
25	aspect to serve our public. And I just enjoy	25	March 4, 2019?
Page 16		Page 17	
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	A. Yes.	2	the existence of the facility use policy in
3	Q. Have you ever seen this document	3	June 2020?
4	before?	4	A. Upon recommendations from our
5	A. I saw it yesterday.	5	sheriff.
6	Q. Was that in connection with your	6	Q. And what was the nature of those
7	preparation for this deposition?	7	recommendations?
8	A. Yes.	8	A. He wanted to amend the facility use
9	Q. But prior to yesterday, you've	9	policy.
10	never seen this document before?	10	Q. And what was the nature of the
11	A. No.	11	proposed amendment?
12	Q. So prior to yesterday, did you have	12	A. I don't remember.
13	any awareness that a facility use policy was	13	Q. Do you recall whether any reasons
14	maintained by Lafayette County?	14	were given for the proposed amendment?
15	A. Yes.	15	A. I think it was safety concerns.
16	Q. And how did you come to -- when did	16	Q. Were those safety concerns related
17	you come to learn that?	17	to increased protest activity following the
18	A. I believe it was in June of 2020.	18	death of George Floyd?
19	I'm speculating. Around about June of 2020.	19	A. No. Absolutely not.
20	Q. So prior to June 2020, you didn't	20	Q. What were those safety concerns
21	have any knowledge one way or the other as to	21	related to?
22	whether a facility use policy existed?	22	A. What were the safety concerns? I
23	A. I don't think so. I mean, I might	23	don't remember.
24	have, but I'm just -- I'm guessing.	24	Q. So you say you don't remember what
25	Q. And so how did you come to learn of	25	they were, but you do remember that they were



Page 22		Page 23	
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	A. I don't know.	2	personal views, or were you purely expressing
3	Q. So it could have been less than 20?	3	what you understood to be the position of the
4	A. It could have been.	4	majority of your constituents?
5	Q. And was this a written	5	A. I don't reflect my personal views
6	correspondence or telephone calls or in-person	6	at all in decisions with the county.
7	discussions or what?	7	Q. I'm sorry. Could you say the last
8	A. A little bit of all of it. There	8	part of that again?
9	wasn't -- written response as a text or email.	9	A. I do not reflect any personal views
10	Conversations face to face.	10	in my decisions. I'm not here to represent
11	Q. You said there were no written	11	myself.
12	responses?	12	Q. If you could turn to tab 10.
13	A. I had text or email. I don't know	13	A. Okay.
14	what you're classifying "written." But I had	14	Q. Exhibit 2.
15	text and email.	15	(Exhibit 2 was marked for
16	Q. And your understanding is that the	16	identification.)
17	majority of those communications were from	17	BY MR. RETHY:
18	constituents who wanted to keep the statue at	18	Q. You can ignore what I say about
19	its current location?	19	which exhibit it will be. Just look at the tab
20	A. Yes.	20	numbers.
21	Q. Did you keep any records reflecting	21	A. Okay.
22	that, or was that just the sense that you got?	22	Q. It's for the written transcript.
23	A. The sense.	23	So this is a document titled,
24	Q. Did that reflect -- did the	24	Order: Amend Facility Use Policy Regarding Use
25	decision to keep the statue also reflect your	25	Courthouse Grounds, correct?
Page 24		Page 25	
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	A. Correct.	2	obtain a permit in order to have exclusive use
3	Q. Are you familiar with this	3	of the area. Five or more people gathering
4	document?	4	require a permit for use.
5	A. Yes, I am.	5	And it goes on, but let's just
6	Q. When did you first see this	6	focus on that for the moment. So this says
7	document?	7	that you seconded this motion, correct?
8	A. Right now. I mean, I saw it	8	A. That's correct.
9	looking at it right now.	9	Q. And could you explain why?
10	Q. So you have never seen this	10	A. Because I agreed with the motion
11	document before?	11	made by Mr. Gillespie to amend the policy.
12	A. Before today?	12	Q. And what's your understanding of
13	Q. Correct.	13	the nature of the change that was made to the
14	A. Correct.	14	policy through this amendment?
15	Q. But you said you are familiar with	15	A. To allow four or less people to use
16	it?	16	the courthouse grounds without a permit. Four
17	A. When I was at the meeting. I'm	17	or more must have a -- or five or more to have
18	familiar with the content.	18	a permit so they wouldn't block sidewalks and
19	Q. So this document says, Motion was	19	interfere with courthouse business.
20	made by Larry Gillespie, duly seconded by Brent	20	Q. So what's your understanding of
21	Larson, to amend the facility use policy in	21	what the -- so how was that a change from
22	order to allow four people or less to use the	22	before? What was the policy in this regard
23	historic courthouse outside grounds, including	23	before --
24	the area around the Confederate statue, without	24	(Simultaneous speakers.)
25	a permit, although said individual or group may	25	A. It was all just put together from





<p style="text-align: right;">Page 34</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 If they stayed to express any political or any 3 particular subject, they would need a permit 4 staying on the courthouse grounds. Walking 5 through or having a conversation, like I said, 6 does not require a permit.</p> <p>7            Q. So what does the -- what does 8 "staying" mean?</p> <p>9           A. You're asking me what "staying" 10 means?</p> <p>11          Q. Yeah. It's the word you're using 12 to say, you know, what's the -- it's like the 13 dividing line between when you need a permit or 14 not. If you're "staying" on the courthouse 15 grounds, you need a permit.</p> <p>16          A. If they continue to protest.</p> <p>17          Q. So there's some element of time in 18 that?</p> <p>19          A. Element of time is not in our 20 policy.</p> <p>21          Q. So who decides whether something is 22 just a conversation or whether something is a 23 protest?</p> <p>24          A. The county administrator decides on 25 the permit process.</p>	<p style="text-align: right;">Page 35</p> <p>1                    BRENT ALLEN LARSON</p> <p>2            Q. Well, but I'm talking about no 3 permit has been applied for, just have five 4 people on the courthouse grounds. Who decides 5 at that point?</p> <p>6           A. I don't know.</p> <p>7           Q. So you don't know how this facility 8 use policy would be enforced?</p> <p>9           A. The sheriff's department.</p> <p>10          Q. So the sheriff's department would 11 decide?</p> <p>12          A. Yes. They would decide -- they 13 would enforce the facility use permit -- or 14 policy, I guess you would say.</p> <p>15          Q. So the sheriff's department 16 personnel would be tasked with deciding whether 17 a particular use of the courthouse grounds was 18 just a conversation or whether it amounted to a 19 political protest?</p> <p>20          A. No.</p> <p>21          Q. So, then, who would make that 22 decision?</p> <p>23          A. What decision? If they're having a 24 conversation?</p> <p>25          Q. Right.</p>
<p style="text-align: right;">Page 36</p> <p>1                    BRENT ALLEN LARSON</p> <p>2            A. There's no one that makes the 3 decision what's a conversation or not. Just 4 enforce -- the facility use policy is enforced 5 by the sheriff's department, as I stated 6 before.</p> <p>7           Q. Right. So what I'm getting at is, 8 that if you have -- going back to our example, 9 you have the five people on the courthouse 10 grounds. Someone from the sheriff's department 11 shows up. They know there's no permit. And so 12 they have the authority at that point to 13 enforce the facility use policy in some 14 fashion; is that correct?</p> <p>15          A. Yes.</p> <p>16          Q. I'm sorry. Could you repeat that?</p> <p>17          A. Yes. Sorry.</p> <p>18          Q. And enforcing the facility use 19 policy in that circumstance would involve 20 making a determination whether something was 21 just a conversation or whether it amounted to a 22 political protest; is that correct?</p> <p>23          A. I don't know. I don't know their 24 policies, how they determine who stays or who 25 goes. That's something determined by the</p>	<p style="text-align: right;">Page 37</p> <p>1                    BRENT ALLEN LARSON</p> <p>2            Q. But the sheriff's department is 3 applying the board's policies, right?</p> <p>6           A. Right. We don't get involved in 7 the enforcement of the policy. We just set the 8 policy.</p> <p>9           Q. So you don't have any sense of what 10 criteria the sheriff's department might use to 11 determine whether something is a political 12 protest or just a conversation?</p> <p>13          A. Other than what's stated in the 14 policy, no.</p> <p>15          Q. And the policy itself doesn't 16 differentiate between political protests and 17 conversations, correct?</p> <p>18          A. No, it doesn't.</p> <p>19          Q. Have you ever been on the county 20 courthouse grounds, yourself?</p> <p>21          A. I have.</p> <p>22          Q. Are you regularly on the county 23 courthouse grounds or more infrequently?</p> <p>24          A. Infrequent.</p> <p>25          Q. When is the last time you were on</p>

<p>1                    BRENT ALLEN LARSON      2 the county courthouse grounds?      3         A. I don't know.      4         Q. Would it have been in the last      5 month?      6         A. I don't know. I don't know when      7 the last time was.      8         Q. Would it have been within the last      9 year?      10      A. I said I didn't know.      11      Q. If you would turn to the next page      12 of the pictures, B-4. Do you recognize the      13 location depicted in this picture?      14      A. Yes, I do.      15      Q. What is that location?      16      A. I believe you can classify that as      17 the west side of the courthouse.      18      Q. So this is a picture taken from      19 within the county courthouse grounds looking      20 out onto the square; is that fair?      21      A. Yes. Yes.      22      Q. And you see that there's a low      23 fence, but there's an opening, right?      24      A. Correct.      25      Q. And there's no gates that block</p>	<p>Page 38</p> <p>1                    BRENT ALLEN LARSON      2 access to the county courthouse grounds,      3 correct?      4         A. Do what?      5         Q. There are no gates that block      6 access to the county courthouse grounds,      7 correct?      8         A. That's correct.      9         Q. So I believe that you testified      10 earlier that a reason behind the five-person      11 rule, you know, permitting policy rule -- one      12 reason, at least, related to avoiding blocking      13 pedestrian traffic; is that correct?      14      A. The sidewalk.      15      Q. And can you explain what sidewalk      16 you're referring to?      17      A. The sidewalk on the outside of      18 those gates and around the courthouse.      19      Q. So if you turn to the 11th page,      20 B-11, in this set of photographs.      21      A. Okay.      22      Q. Is this the sidewalk you're      23 referring to?      24      A. The sidewalk I'm referring to, yes,      25 they cannot block those sidewalks. The one I'm</p>
<p>Page 40</p> <p>1                    BRENT ALLEN LARSON      2 referring to is in front of the statue on the      3 side and, as well, in the back.      4         Q. So turn to B-20. Do you recognize      5 the location that's depicted here?      6         A. I do.      7         Q. What is that location?      8         A. In front of the courthouse.      9         Q. So would a gathering of five people      10 in this area block any sidewalks?      11                  MR. O'DONNELL: Object to      12 form. You can answer.      13         A. I don't know.      14         Q. Do you know the reason why the --      15 why five people was the threshold chosen for      16 requiring a permit?      17         A. Re-ask your question, please.      18         Q. So this policy amendment we've been      19 talking about it, it says a permit's required      20 for gatherings of five people or more, correct?      21         A. Correct.      22         Q. Do you know why the number five was      23 chosen as opposed to any other number?      24         A. Because only four people can      25 actually stand around the statue or the</p>	<p>Page 41</p> <p>1                    BRENT ALLEN LARSON      2 monument without blocking the sidewalk, and it      3 would become a safety issue because they would      4 have to stand out in the street or on the side.      5         Q. So who made the decision that four      6 people was the maximum to stand around the      7 statue without a permit?      8         A. The county administrator.      9         Q. But the policy --      10      A. Can we break so I can get a bottle      11 of water?      12                  MR. RETHY: Sure. Do you      13 want to come back at 11:05 or      14 11:10? Or, sorry, 10. I forgot      15 we're in a different time zone.      16      A. That's fine.      17                  THE VIDEOGRAPHER: The time      18 is 10:01 a.m. Off the record.      19                  (Recess from 10:01 a.m. to      20 10:12 a.m.)      21                  THE VIDEOGRAPHER: The time      22 is 10:12 a.m. Back on the record.      23 BY MR. RETHY:      24         Q. So the next thing we'll be looking      25 at, which will be Exhibit 4, this is your tab</p>

Page 42		Page 43
1	BRENT ALLEN LARSON	1
2	41.	2 A. It's part of it. What I was
3	(Exhibit 4 was marked for	3 referring to is the sidewalk around the
4	identification.)	4 courthouse. That part, as well.
5	BY MR. RETHY:	5 Q. But you had said that the county
6	Q. So this is also a photograph,	6 administrator had determined that five people
7	correct?	7 was the -- was the right number at which point
8	A. Do what?	8 to require permits with reference to the
9	Q. This document, this is also a	9 sidewalk, so in the immediately vicinity of the
10	photograph, correct?	10 Confederate monument. Is that correct, or did
11	A. Yes.	11 I misunderstand that testimony?
12	Q. And do you recognize the location?	12 A. No. That's correct. The county
13	A. Yes, I do.	13 administrator did determine that on her own
14	Q. What is the location?	14 determination.
15	A. The front of the courthouse.	15 Q. And so that was -- that
16	Q. And is that the Confederate	16 determination was made with respect
17	monument we've been referring to in the	17 specifically to this sidewalk area in the
18	foreground?	18 immediate vicinity of the Confederate monument?
19	A. It is.	19 A. Well, it's the whole sidewalk
20	Q. And there's a sort of a sidewalk	20 around the courthouse, the whole thing. You
21	area around the monument itself, correct?	21 cannot block the sidewalk.
22	A. Correct.	22 Q. So if there were -- so the
23	Q. Is that the sidewalk area that you	23 courthouse has, I guess, four sides, correct?
24	were referring to with regard to the	24 A. Yes.
25	five-person rule?	25 Q. And the sidewalk goes around all
Page 44		Page 45
1	BRENT ALLEN LARSON	1 BRENT ALLEN LARSON
2	four?	2 A. Once again, I'm not understanding
3	A. Correct.	3 your question.
4	Q. And so if there is a group of	4 Q. So what I'm trying to get at is,
5	people protesting or, say, two people position	5 you said something -- and let me know if I
6	themselves on each side of the courthouse, so	6 misunderstood this --
7	for a total of eight people, that would be a	7 A. Okay.
8	use that would require a permit, because the	8 Q. -- to the effect that the county
9	two -- because that would block the sidewalk?	9 administrator made a decision that five people
10	A. Rephrase your question. I didn't	10 or more needed a permit based on the space
11	understand that.	11 immediately surrounding the Confederate
12	Q. So you're saying that the	12 monument. So that was my understanding of your
13	justification for the five-person rule is that	13 first testimony on this point. Is that
14	the presence of five people or more on any part	14 correct?
15	of the sidewalk surrounding the courthouse	15 A. Well, you can't -- I mean, you
16	blocks pedestrian traffic?	16 can't stand still with five or more on any part
17	MR. O'DONNELL: Object to the	17 of the courthouse grounds.
18	form. You can answer.	18 Q. And so that's what I'm trying to
19	A. You're asking me to speculate if	19 understand, then, is that if you were a group
20	five or more blocks traffic; is that correct?	20 of eight people who wanted to have a protest
21	Q. I'm asking you to explain whether	21 where two people stood on each side of the
22	that's your understanding of the basis for this	22 courthouse, would you need a permit for that?
23	policy.	23 A. So you're saying two people on each
24	A. If what's my understanding?	24 side? Two, four, six, eight?
25	Q. That the --	25 Q. Yeah.

<p style="text-align: right;">Page 46</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. Then -- I'm -- you're asking me to 3 speculate. No. If it's just two or more in 4 one spot.</p> <p>5        Q. So how would you -- how would you 6 define what's one spot? Like, how spread out 7 does it have to be to no longer constitute one 8 spot?</p> <p>9        A. Well, it's pretty easy. One spot 10 where five or more gather, you've got to have a 11 permit. The number one -- I mean, one spot -- 12 if there are five or more -- if there are 20 13 people gathered, five on each side, then you've 14 got to have a permit.</p> <p>15       Q. So let's go back to tab 44. It's 16 the series of photographs. Go back to B-20 on 17 this.</p> <p>18       A. B what?</p> <p>19       Q. 20.</p> <p>20       A. Okay.</p> <p>21       Q. And so this shows a series of 22 benches on one side of the county courthouse 23 grounds, right?</p> <p>24       A. Yes.</p> <p>25       Q. And you can see at least four</p>	<p style="text-align: right;">Page 47</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        benches in the picture; is that fair?</p> <p>3        A. Yes.</p> <p>4        Q. And so if you organized a protest 5 that involved -- three people sit on each of 6 these four benches, would that be a protest in 7 one spot that would then require a permit?</p> <p>8        A. You're asking me to speculate on a 9 certain situation. You know, the board of 10 supervisors don't enforce, so I don't know. 11 You're asking for speculation. Each case is 12 different. I don't know. We haven't addressed 13 that part, anyway.</p> <p>14       Q. And that's -- so you're saying that 15 that's a decision for the sheriff to make?</p> <p>16       A. What? What decision are you asking 17 about?</p> <p>18       Q. Whether -- whether a protest of the 19 type that I just described would be one that 20 would require a permit or not.</p> <p>21       A. No. It's not up to the sheriff. 22 It's up to the county administrator.</p> <p>23       Q. Well, what if the protest is held 24 without a permit? Then it's the -- for the 25 sheriff to decide whether the protest --</p>
<p style="text-align: right;">Page 48</p> <p>1                    BRENT ALLEN LARSON</p> <p>2                    (Simultaneous speakers.)</p> <p>3        A. It's up to the sheriff's department 4 to enforce.</p> <p>5        Q. And you don't know the criteria 6 that they might use to make that decision 7 whether or not to enforce?</p> <p>8        A. I do not.</p> <p>9        Q. Are you aware of any instances in 10 which the -- in which the sheriff's department 11 has enforced the facility use policy?</p> <p>12       A. I don't know.</p> <p>13       Q. Are you aware of any instances in 14 which the county administrator has denied a 15 permit application?</p> <p>16       A. I don't know.</p> <p>17       Q. Do you have an understanding of 18 what this current lawsuit is about?</p> <p>19       A. Yes.</p> <p>20       Q. What's that understanding?</p> <p>21       A. I think Mr. Rash was wanting to 22 have an event, and he was -- he was denied on 23 that one, yes.</p> <p>24       Q. So you recall at least that permit 25 having been denied?</p>	<p style="text-align: right;">Page 49</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. That's right. That is correct.</p> <p>3        Q. Were you involved in the decision 4 to deny that permit?</p> <p>5        A. No.</p> <p>6        Q. Does the board of supervisors ever 7 get involved in individual permit applications?</p> <p>8        A. No. Unless there's an appeal.</p> <p>9        Q. Has there ever been an appeal?</p> <p>10       A. No.</p> <p>11       Q. Has the policy always provided for 12 an appeal?</p> <p>13       A. I don't know.</p> <p>14       Q. So let's look at tab 31. This will 15 be Exhibit 5.</p> <p>16                    (Exhibit 5 was marked for 17 identification.)</p> <p>18       BY MR. RETHY:</p> <p>19       Q. So this is a document titled, 20 Order: Approve Revision of Facilities Use 21 Policy to Include a Requirement of Application 22 To Be Made 14 Days Prior to Date of Proposed 23 Use and Requiring Closure of Courthouse Grounds 24 30 Minutes Before Dusk, correct?</p> <p>25       A. Right.</p>

<p style="text-align: right;">Page 50</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. And if you -- are you familiar with</p> <p>3 this document?</p> <p>4        A. I've never seen it before until</p> <p>5 now.</p> <p>6        Q. So this document reflects the board</p> <p>7 of supervisors having voted on a motion,</p> <p>8 correct?</p> <p>9        A. Right.</p> <p>10      Q. And this shows that you were</p> <p>11 absent, correct?</p> <p>12      A. Right.</p> <p>13      Q. Do you recall why you were absent?</p> <p>14      A. I was on vacation.</p> <p>15      Q. Did you know prior to looking at</p> <p>16 this document just now that there came to be an</p> <p>17 amendment to the facilities use policy that</p> <p>18 involved closure of courthouse grounds 30</p> <p>19 minutes before dusk?</p> <p>20     A. Rephrase your question, please.</p> <p>21     Q. Were you -- are you familiar with</p> <p>22 the requirement that the courthouse grounds be</p> <p>23 closed 30 minutes before dusk?</p> <p>24     A. Am I familiar with it? Yes.</p> <p>25     Q. And when did you first become aware</p>	<p style="text-align: right;">Page 51</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 of that requirement?</p> <p>3        A. I don't know.</p> <p>4        Q. Was it over the summer?</p> <p>5        A. Yes.</p> <p>6        Q. Do you recall how you learned of</p> <p>7 this requirement?</p> <p>8        A. I don't.</p> <p>9        Q. Do you support that requirement?</p> <p>10      A. I do.</p> <p>11      Q. And could you explain why?</p> <p>12      A. Because -- because it pulls it all</p> <p>13 together, and with the 14 days prior, it gives</p> <p>14 the sheriff and the county administrator time</p> <p>15 to decide whether or not -- that it's not going</p> <p>16 to involve safety issues and whether the</p> <p>17 sheriff's department has enough personnel to</p> <p>18 work a facilities use permit.</p> <p>19      Q. So what about, specifically, the</p> <p>20 closure 30 minutes before dusk? Do you support</p> <p>21 that?</p> <p>22      A. I do.</p> <p>23      Q. And can you explain why?</p> <p>24      A. Because, as defined -- I believe</p> <p>25 "dusk" defines when there's no more glow to the</p>
<p style="text-align: right;">Page 52</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 sun and you start running into the possibility</p> <p>3 of safety concerns. The square is busy at</p> <p>4 night. There's a lot of traffic around the</p> <p>5 courthouse, and there's also an issue whether</p> <p>6 the sheriff's department has enough personnel</p> <p>7 to police the situation. With -- since there's</p> <p>8 640 -- approximately 640 square miles to the</p> <p>9 county, it makes it hard on the sheriff's</p> <p>10 department, as well.</p> <p>11     Q. So the sheriff's department has</p> <p>12 less resources starting at 30 minutes before</p> <p>13 dusk?</p> <p>14     A. I don't know how many resources,</p> <p>15 but it puts them thin. I mean, it puts a</p> <p>16 stress on their department. I don't know how</p> <p>17 many resources they have or don't have.</p> <p>18     Q. You're saying there's a particular</p> <p>19 extra stress that starts 30 minutes before</p> <p>20 dusk?</p> <p>21     A. Do what? You're asking me?</p> <p>22     Q. Yeah.</p> <p>23     A. I just said it puts a stress on</p> <p>24 the -- whether or not the sheriff's department</p> <p>25 has enough personnel to cover -- cover whatever</p>	<p style="text-align: right;">Page 53</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 it might be, whatever event that might be</p> <p>3 taking place.</p> <p>4        Q. Right. And I'm trying to</p> <p>5 understand whether that stress is different</p> <p>6 during the day versus starting 30 minutes</p> <p>7 before dusk.</p> <p>8        A. Yeah. There's a -- there's a lot</p> <p>9 more people on the square, a lot more activity</p> <p>10 going on, a lot more traffic.</p> <p>11      Q. There's a lot more of that during</p> <p>12 the day or during the night?</p> <p>13      A. I would say -- I'm speculating --</p> <p>14 during the night.</p> <p>15      Q. So the actual time that is 30</p> <p>16 minutes before dusk, that varies based on the</p> <p>17 time of the year, correct?</p> <p>18      A. Yeah. That's correct.</p> <p>19      Q. And during the -- you know, during</p> <p>20 the winter, 30 minutes before dusk could be</p> <p>21 before 5:00 p.m., correct?</p> <p>22      A. No.</p> <p>23      Q. Why not?</p> <p>24      A. Why not what?</p> <p>25      Q. Well, I'm asking to you explain</p>

<p style="text-align: right;">Page 54</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 your denial that 30 minutes before dusk could 3 be before 5:00 p.m.</p> <p>4         A. Well, you're asking me to -- 5 rephrase that question one more time, if you 6 would.</p> <p>7         Q. So do you know what time dusk is 8 today?</p> <p>9         A. No.</p> <p>10        Q. How would you go about learning 11 what time dusk is?</p> <p>12        A. When there's no more glow from the 13 sunlight, the sun.</p> <p>14        Q. So is that something that you 15 can -- is it possible to determine when dusk is 16 other than through observation at the 17 particular time?</p> <p>18        A. I don't know. I don't know if you 19 can determine when dusk is by a particular 20 time.</p> <p>21        Q. Could -- when -- so if it's defined 22 in terms of glow, could it be earlier if it's 23 cloudy?</p> <p>24        A. I don't know. I mean, you're 25 asking me to speculate on specific -- I don't</p>	<p style="text-align: right;">Page 55</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 know. You'll have to ask me when it's cloudy 3 one night. I don't know.</p> <p>4         Q. I'm trying to get a sense of how 5 this policy can be applied, given that it's 6 framed in terms of, you know, dusk, which is 7 a -- you know, it varies under a variety of 8 conditions and it's hard to determine. You're 9 saying that you're unable to determine it 10 yourself.</p> <p>11                    MR. O'DONNELL: Object to 12 form. You can answer.</p> <p>13         A. As I said before, dusk is when 14 there's no more glow from the sun.</p> <p>15         Q. And so the policy -- so this policy 16 says that it requires closure of the courthouse 17 grounds 30 minutes before dusk, correct?</p> <p>18         A. That's correct.</p> <p>19         Q. What does "closure" mean?</p> <p>20         A. That the courthouse grounds will be 21 closed 30 minutes before dusk.</p> <p>22         Q. What does that mean in practice, 23 that they're closed?</p> <p>24         A. It's closed. I mean, you know, 25 it's closed. It's pretty simple.</p>
<p style="text-align: right;">Page 56</p> <p>1                    BRENT ALLEN LARSON</p> <p>2         Q. Well, does that manifest in the 3 physical world in any way?</p> <p>4                    MR. O'DONNELL: I object to 5 the form.</p> <p>6         A. Rephrase your question.</p> <p>7         Q. So I'm trying to understand what 8 you mean by "closed." It's not self-evident to 9 me what that means. I mean, is there a gate 10 that closes?</p> <p>11        A. No. No one is allowed on the 12 courthouse grounds.</p> <p>13        Q. So -- and how is -- how are -- how 14 is that conveyed to the public?</p> <p>15        A. In the policy.</p> <p>16        Q. So if someone walks onto the 17 courthouse grounds 30 minutes before dusk -- 18 and so this is a time when it's still -- you 19 know, it's still somewhat light, right, because 20 dusk hasn't yet occurred, won't occur 30 21 minutes more, then they're in violation of the 22 policy?</p> <p>23        A. I would say so, but, I mean, we 24 haven't really -- yeah.</p> <p>25        Q. And that will be the case even if</p>	<p style="text-align: right;">Page 57</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 the court -- the court itself was still open 3 for business at that time?</p> <p>4         A. No. The court -- no. That's 5 not . . .</p> <p>6         Q. So it's your testimony that dusk 7 always is 30 minutes after 5:00 p.m., at 8 earliest?</p> <p>9         A. No. You're asking "dusk," what the 10 meaning of "dusk" is; is that right?</p> <p>11        Q. Yeah.</p> <p>12        A. Okay. The meaning of "dusk" is -- 13 I guess this might be the fourth time -- when 14 there's no glow left in the sunlight -- in the 15 sun.</p> <p>16        Q. And you're saying that there's 17 always glow left in the sky from sunlight as of 18 5:30 p.m.?</p> <p>19        A. I told you before I didn't know. I 20 mean, I don't know the time. It's pretty 21 standard when -- 30 minutes before dusk. 22 Whenever dusk happens, 30 minutes before that.</p> <p>23        Q. What do you mean by "it's pretty 24 standard"?</p> <p>25        A. My answer.</p>

<p style="text-align: right;">Page 58</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. Right. But what do you mean by 3 that answer?</p> <p>4        A. That it's pretty obvious when 5 there's no more glow to the sun.</p> <p>6        Q. And you're saying that it's also -- 7 it's, therefore, pretty obvious when 30 minutes 8 before that time is?</p> <p>9        A. No. I'm saying when -- dusk is 10 when there's no more glow to the sun -- from 11 the sun.</p> <p>12      Q. You're saying that in order to 13 comply with this part of the policy, someone 14 has to predict when the glow will disappear 15 from the sky and then count back 30 minutes; is 16 that correct?</p> <p>17      A. You're speculating there.</p> <p>18      Q. I don't believe I am.</p> <p>19      A. Can I get you -- so rephrase your 20 question again. I'll try to give you the same 21 answer.</p> <p>22      Q. So say it's winter; it's 5:15 p.m.</p> <p>23      A. And the days are shorter.</p> <p>24      Q. Right.</p> <p>25      A. Right.</p>	<p style="text-align: right;">Page 59</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. So someone will come into being in 3 violation of this policy as of 30 minutes 4 before dusk, right?</p> <p>5        A. The policy -- it's in the policy 6 what -- the way it reads. You know, you want 7 to check the policy. It's in there. It 8 explains it.</p> <p>9        Q. So I'm trying to understand how a 10 person of ordinary intelligence can comport 11 themselves in order to comply with this policy. 12 And that's what my questions are focused on. 13 And you might -- it seems like your position is 14 that it's perfectly clear when 30 minutes 15 before dusk is on any particular day. But I 16 guess I don't share that belief or 17 understanding. And so if you believe that 18 that's perfectly clear just from the policy 19 stating "30 minutes before dusk," I just would 20 appreciate understanding that position better.</p> <p>21                    MR. O'DONNELL: Object to the 22 form. It's also not in the form of 23 a question.</p> <p>24      A. Rephrase your question, if you 25 don't mind.</p>
<p style="text-align: right;">Page 60</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. So can you -- do you know today 3 when 30 minutes before dusk is?</p> <p>4        A. No.</p> <p>5        Q. Will you know that 30 minutes 6 before dusk?</p> <p>7        A. If I was obtaining a permit, I 8 would find out.</p> <p>9        Q. And how would you do that?</p> <p>10      A. You would go check the sunset. I 11 mean, I guess you would check when the sunset 12 is. I don't know when you would find out. I 13 guess that's why I'm not applying for a permit.</p> <p>14      Q. But this doesn't just apply to 15 permits, right? This involves complete closure 16 of the grounds, right?</p> <p>17      A. Right.</p> <p>18      Q. So a single person who's on the 19 courthouse grounds could end up violating this 20 policy if they happen to miscalculate when 30 21 minutes before dusk is; is that right?</p> <p>22      A. A single person?</p> <p>23      Q. Yeah.</p> <p>24      A. No.</p> <p>25      Q. Why not?</p>	<p style="text-align: right;">Page 61</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. Because you just said "a single 3 person."</p> <p>4        Q. So this policy doesn't apply to a 5 single person?</p> <p>6        A. No, it does. Let me backtrack. I 7 was talking about the permit process. Rephrase 8 your question one more time. I got off track. 9 Please.</p> <p>10      Q. I wish I had ordered real time for 11 this one.</p> <p>12                    MR. O'DONNELL: What?</p> <p>13                    MR. RETHY: So, Court 14 Reporter, could you read back the 15 last question?</p> <p>16                    (The court reporter read the 17 requested portion.)</p> <p>18      A. The courthouse grounds are closed 19 30 minutes before dusk to anyone.</p> <p>20      Q. Right. So an individual person 21 could come into the violation of this policy if 22 they miscalculated when 30 minutes before dusk 23 happened to be?</p> <p>24      A. Yes.</p> <p>25      Q. And the only way a person would</p>

<p style="text-align: right;">Page 62</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 know that they needed to try to calculate 30</p> <p>3 minutes before dusk is if they happened to look</p> <p>4 at this particular document in the board of</p> <p>5 supervisors' minutes; is that correct?</p> <p>6        A. Yes. That's right.</p> <p>7        Q. Do you think that it's widely known</p> <p>8 in the community that this policy exists?</p> <p>9        A. Yes.</p> <p>10      Q. And how did the community gain that</p> <p>11 knowledge?</p> <p>12      A. Because anybody that's ever applied</p> <p>13 for a permit has to follow the guidelines, and</p> <p>14 people know we have guidelines.</p> <p>15      Q. But other than --</p> <p>16      A. Word of mouth.</p> <p>17      Q. Are you just speculating as to word</p> <p>18 of mouth, or do you have actual knowledge of</p> <p>19 specific conversations?</p> <p>20      A. I do not have specific knowledge of</p> <p>21 a conversation.</p> <p>22      Q. Are you aware of this policy ever</p> <p>23 having been enforced?</p> <p>24      A. Am I aware of what, now?</p> <p>25      Q. This 30-minutes-before-dusk closure</p>	<p style="text-align: right;">Page 63</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 policy ever having been enforced.</p> <p>3        A. I don't know.</p> <p>4        Q. Does the sheriff's department have</p> <p>5 discretion on whether or not to enforce it?</p> <p>6        A. No.</p> <p>7        Q. So the sheriff's department has to</p> <p>8 enforce it under all circumstances?</p> <p>9        A. Yes.</p> <p>10      Q. So anytime any person is on the</p> <p>11 courthouse grounds after 30 minutes before</p> <p>12 dusk, it's your position that the sheriff's</p> <p>13 department is obligated to take some sort of</p> <p>14 enforcement action against that person?</p> <p>15      A. Yeah. That's correct.</p> <p>16      Q. So this is courthouse grounds,</p> <p>17 including the Confederate statue area, correct?</p> <p>18      A. Yes.</p> <p>19      Q. So let's turn back to the tab 41,</p> <p>20 which is the photo of the statue.</p> <p>21                    So what is the Confederate statue</p> <p>22 area?</p> <p>23      A. The area surrounding the statue.</p> <p>24      Q. And how far does that area extend?</p> <p>25      A. I don't know exactly.</p>
<p style="text-align: right;">Page 64</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. So the sidewalk area that's around</p> <p>3 the statue, is that part of the Confederate</p> <p>4 statue area?</p> <p>5        A. It's part of the courthouse</p> <p>6 grounds.</p> <p>7        Q. The policy specifically mentions</p> <p>8 the Confederate statue area too, right?</p> <p>9        A. Repeat your question.</p> <p>10      Q. The policy mentions both the</p> <p>11 courthouse grounds and the Confederate statue</p> <p>12 area, right?</p> <p>13      A. Yes.</p> <p>14      Q. So is the -- is the sidewalk right</p> <p>15 around the Confederate statue part of the</p> <p>16 Confederate statue area?</p> <p>17      A. I don't know. I mean, it -- the</p> <p>18 sidewalk beside it is part of the Confederate</p> <p>19 monument.</p> <p>20      Q. Walking on that sidewalk after 30</p> <p>21 minutes before dusk is a violation?</p> <p>22      A. Yes. That's part of the courthouse</p> <p>23 grounds.</p> <p>24      Q. And if you turn back to the</p> <p>25 composite photographs at tab 44, if you go to</p>	<p style="text-align: right;">Page 65</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        B-2.</p> <p>3                    Is walking on this sidewalk after</p> <p>4 30 minutes before dusk a violation?</p> <p>5        A. That's part of the courthouse</p> <p>6 grounds, yes.</p> <p>7        Q. So is walking on that part of the</p> <p>8 sidewalk a violation 30 minutes before dusk?</p> <p>9        A. Walking?</p> <p>10      Q. Yes.</p> <p>11      A. I don't know.</p> <p>12      Q. So is walking potentially not a</p> <p>13 violation, whereas standing is?</p> <p>14      A. No.</p> <p>15      Q. So is this sidewalk part of the</p> <p>16 courthouse grounds?</p> <p>17      A. This sidewalk is part of the</p> <p>18 courthouse grounds.</p> <p>19      Q. And so the policy provides that</p> <p>20 this sidewalk is closed 30 minutes before dusk,</p> <p>21 correct?</p> <p>22      A. I don't know.</p> <p>23      Q. So how would you -- how would you</p> <p>24 go about figuring out whether the sidewalk was</p> <p>25 closed or not?</p>

<p style="text-align: right;">Page 66</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. That would -- that would be 3 enforced by the sheriff's department.</p> <p>4        Q. But by the literal terms of the 5 policy, the sidewalk would be closed?</p> <p>6        A. I don't know.</p> <p>7        Q. But it is part of the courthouse 8 grounds?</p> <p>9        A. Yes.</p> <p>10      Q. And the policy does say it requires 11 closure of the courthouse grounds, right?</p> <p>12      A. No.</p> <p>13      Q. And there's no exception for 14 sidewalks?</p> <p>15      A. I don't know about the sidewalk. I 16 don't know.</p> <p>17      Q. You're saying there might be an 18 unwritten exception?</p> <p>19      A. No. That's not what I'm saying. I 20 just said I don't know.</p> <p>21      Q. So does the board of supervisors 22 have responsibility for the sheriff's 23 department's budget?</p> <p>24      A. For the budget, yes.</p> <p>25      Q. And has the sheriff ever asked for</p>	<p style="text-align: right;">Page 67</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 additional funding to deal with issues related 3 to the county courthouse grounds?</p> <p>4        A. Not that I'm aware of.</p> <p>5        Q. And is it your view that the 6 sheriff's department is underfunded?</p> <p>7        A. I don't know. That's a question 8 for the sheriff, not me.</p> <p>9        Q. Well, what role do you play in 10 the -- in setting the sheriff's budget?</p> <p>11      A. Setting the budget.</p> <p>12      Q. But what do you consider when 13 determining how to set the budget?</p> <p>14      A. How do we set the budget? We 15 approve it or not. He comes to us with a 16 budget, and we either approve it or not.</p> <p>17      Q. And how do you determine whether to 18 approve it or not?</p> <p>19      A. We look at every line item and see 20 if it's needed.</p> <p>21      Q. And can you disapprove specific 22 line items?</p> <p>23      A. Yes.</p> <p>24      Q. And have you done that?</p> <p>25      A. No. I've only been through one</p>
<p style="text-align: right;">Page 68</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 budget.</p> <p>3        Q. Has the sheriff, to your knowledge, 4 ever mentioned a need for additional funding?</p> <p>5        A. Yes.</p> <p>6        Q. Could you describe that?</p> <p>7        A. For repairs of the jail, for 8 expansion of the sheriff's office.</p> <p>9        Q. So I'm going to turn to tab 9. 10 This is now Exhibit 6.</p> <p>11                    (Exhibit 6 was marked for 12 identification.)</p> <p>13 BY MR. RETHY:</p> <p>14      Q. So this is an email titled, Statue, 15 and sent by someone named Janice Antonow, 16 correct?</p> <p>17      A. Yes.</p> <p>18      Q. And did you receive this email?</p> <p>19      A. Yes.</p> <p>20      Q. Do you recall receiving this email?</p> <p>21      A. No.</p> <p>22      Q. Do you know who Janice Antonow is?</p> <p>23      A. I do.</p> <p>24      Q. Who is she?</p> <p>25      A. She is a alderman for the City of</p>	<p style="text-align: right;">Page 69</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 Oxford.</p> <p>3        Q. I'm sorry. Could you repeat that?</p> <p>4        A. She is a alderman for the City of 5 Oxford.</p> <p>6        Q. Is she a constituent of yours?</p> <p>7        A. No.</p> <p>8        Q. Does your district cover the City 9 of Oxford?</p> <p>10      A. Part of it.</p> <p>11      Q. But you know that it's not the part 12 where this individual resides?</p> <p>13      A. I don't believe so. I don't 14 believe it is, unless she's moved.</p> <p>15      Q. If you look at the second paragraph 16 of this email, it says, One of the issues that 17 citizens have brought to me involves the 18 Confederate statue in front of the courthouse. 19 When asked, I let them know that it's the 20 property of Lafayette County, not the City of 21 Oxford. I also tell them that because it is 22 hurtful to so many of our citizens, black and 23 white, I would like it gone.</p> <p>24                    So when you received this email, 25 would you have read it?</p>

<p style="text-align: right;">Page 70</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. Yes.</p> <p>3        Q. And would you have taken this email 4 into consideration when deciding whether or not 5 to vote for moving the statue?</p> <p>6        A. I would have taken it into 7 consideration, yes. But if a person is not in 8 my district -- I rely more on people that are 9 in my district than outside of my district, 10 because I represent the citizens of district 1.</p> <p>11      Q. So when you get an email from a 12 member of the public, would you be able to 13 determine from the -- you know, from the name 14 of the author whether they were a constituent 15 of yours or not?</p> <p>16      A. Most of the time. I might look it 17 up.</p> <p>18      Q. Is that because you know most of 19 these people personally?</p> <p>20      A. Yeah, most -- are you talking about 21 in district 1?</p> <p>22      Q. But I'm talking about in general, 23 you know, to know whether or not someone is in 24 district 1?</p> <p>25      A. I know -- I know a lot of the</p>	<p style="text-align: right;">Page 71</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 people here.</p> <p>3        Q. Do you agree that the Confederate 4 monument is hurtful to many of the citizens of 5 the county?</p> <p>6        A. They say it is. I can only go by 7 what they say.</p> <p>8        Q. If you look at the next paragraph, 9 it says, Besides being offensive to many 10 citizens, the statue in its present location 11 will always serve as a magnet for protests, pro 12 or con, and will continue to strain our 13 resources that could be better used for more 14 positive events.</p> <p>15      So do you agree that the statue is 16 a magnet for protests?</p> <p>17      A. That's -- no, not necessarily. I 18 wouldn't call it a magnet. It might be a place 19 for protest.</p> <p>20      Q. Do you agree that the statue being 21 kept in its present location strains resources?</p> <p>22      A. I don't know. I'm sure -- I'm sure 23 it does, though, you know, when law enforcement 24 has to -- extra law enforcement might have to 25 be called in, you know. I don't know if you</p>
<p style="text-align: right;">Page 72</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 can call it a strain, but more resources, more 3 money, has to be spent during a protest. More 4 personnel, more money.</p> <p>5        Q. Did you consider those impacts when 6 deciding how to vote on keeping or moving the 7 statue?</p> <p>8        A. Say that again.</p> <p>9        Q. Did you consider that resource 10 strain when deciding how to vote on keeping or 11 moving the statue?</p> <p>12      A. No.</p> <p>13      Q. Why not?</p> <p>14      A. I don't know. I just didn't.</p> <p>15      Q. So if you could turn to tab 13, 16 Exhibit 7.</p> <p>17                    (Exhibit 7 was marked for 18 identification.)</p> <p>19        MR. O'DONNELL: Is there a 20 question, Isaac?</p> <p>21        MR. RETHY: Not yet. I'm 22 just waiting for the document to 23 load.</p> <p>24 BY MR. RETHY:</p> <p>25      Q. This is an email from Ann Conerly</p>	<p style="text-align: right;">Page 73</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 titled, Confederate Statue, correct?</p> <p>3        A. Is it on the back, I'm assuming?</p> <p>4        Q. Yeah.</p> <p>5        A. No.</p> <p>6                    MR. O'DONNELL: Tab 30?</p> <p>7                    MR. RETHY: 13.</p> <p>8        A. No. That's from April Hughes?</p> <p>9        Oh, Ann Conerly.</p> <p>10      Q. Sorry. You're correct. It's from 11 April Hughes. The header says, Ann Conerly, 12 for whatever reason.</p> <p>13                    Do you know who Ann Conerly is?</p> <p>14      A. No.</p> <p>15      Q. Do you know who April Hughes is?</p> <p>16      A. No.</p> <p>17      Q. So do you know who Lindsey Hughes 18 is, which is the --</p> <p>19      A. No.</p> <p>20                    (Simultaneous speakers.)</p> <p>21 BY MR. RETHY:</p> <p>22      Q. Lindsey Hughes?</p> <p>23      A. No.</p> <p>24      Q. And is Taylor, Mississippi, within 25 Lafayette County?</p>

	Page 74		Page 75
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	A. Yes.	2	Q. Do you recall approximately when?
3	Q. Is it in your district?	3	A. I don't.
4	A. No.	4	Q. And do you recall why it was
5	Q. If you look at the third paragraph	5	barricaded?
6	of this email -- and I guess, just to start, if	6	A. I believe it was to protect the
7	you look at the header, you see this was sent	7	statue maybe. Pure speculation.
8	Monday, June 15, 2020? And do you see that	8	Q. So the sheriff made a decision to
9	you're included as a recipient here, correct?	9	barricade it?
10	A. Right.	10	A. Yes.
11	Q. And if you look at the third	11	Q. Did the sheriff consult with the
12	paragraph, it says, I'm disappointed in the	12	board of supervisors on that?
13	actions of our sheriff this past week by	13	A. No. We have no authority over the
14	barricading public property so that people	14	sheriff except for setting the budget.
15	could not peacefully protest there.	15	Q. Let's look at tab 27, Exhibit 8.
16	Do you know what the author is	16	(Exhibit 8 was marked for
17	referring to?	17	identification.)
18	A. No.	18	BY MR. RETHY:
19	Q. But do you have any recollection of	19	Q. So you see that this is an email
20	the Confederate statue having been barricaded	20	that you forwarded to Lisa Carwyle on
21	or blockaded in any way over the summer?	21	July 17th?
22	A. Yes.	22	A. Yes.
23	Q. And what's your recollection of	23	Q. Do you recall why you forwarded
24	that?	24	that email?
25	A. That it had been barricaded.	25	A. It was requested.
	Page 76		Page 77
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	Q. Do you know why it was requested?	2	THE VIDEOGRAPHER: The time
3	A. No.	3	is 11:20 a.m. Back on the record.
4	Q. The original email was sent by	4	BY MR. RETHY:
5	someone named Catarina Passidomo, correct?	5	Q. If you could turn to tab 42. This
6	A. Yes.	6	will be, I think, Exhibit 9.
7	Q. And is that person one of your	7	(Exhibit 9 was marked for
8	constituents?	8	identification.)
9	A. I don't know.	9	BY MR. RETHY:
10	Q. Do you know of this person at all?	10	Q. So this is also a photograph. And
11	A. No. I never heard of her.	11	it looks like it was taken from a Facebook post
12	Q. So you have no idea why she wrote	12	or something of the sort; is that fair?
13	directly to you?	13	A. Yes.
14	A. I don't know why, other than I'm a	14	Q. And could you describe what the
15	supervisor.	15	photograph is depicting?
16	Q. Did you respond to this email?	16	A. The monument.
17	A. No. It doesn't look like it.	17	Q. And what else?
18	MR. RETHY: Can we take a	18	A. People gathered around it.
19	five-minute break?	19	Q. And they have, like a football
20	MR. O'DONNELL: Yeah. That	20	goalpost with them, correct?
21	would be fine.	21	A. Correct.
22	THE VIDEOGRAPHER: The time	22	Q. Do you recall this gathering?
23	is 11:11 a.m. Off the record.	23	A. I do not.
24	(Recess from 11:11 a.m. to	24	Q. So do you have an understanding of
25	11:20 a.m.)	25	the circumstances of this gathering?

<p>1                    BRENT ALLEN LARSON</p> <p>2         A. I'm just going to assume that we</p> <p>3 won a football game.</p> <p>4         Q. Would this be authorized under the</p> <p>5 current policy?</p> <p>6         A. No.</p> <p>7         Q. If you turn to tab 43, Exhibit 10.</p> <p>8                    (Exhibit 10 was marked for</p> <p>9 identification.)</p> <p>10 BY MR. RETHY:</p> <p>11        Q. And so this is another photograph,</p> <p>12 correct?</p> <p>13        A. Correct.</p> <p>14        Q. And this shows the Confederate</p> <p>15 monument with the projected words, "Take it</p> <p>16 down" on it, correct?</p> <p>17        A. Correct.</p> <p>18        Q. And do you recall this projection</p> <p>19 having been made at some point over the course</p> <p>20 of the past year?</p> <p>21        A. No.</p> <p>22        Q. Do you have a view as to whether</p> <p>23 this projection would violate the current</p> <p>24 policy?</p> <p>25        A. I guess it just depends on what</p>	<p>Page 78</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 time of day it is. It looks dark. Pure</p> <p>3 speculation. It looks like it would be in</p> <p>4 violation to me.</p> <p>5         Q. Would it depend on where the images</p> <p>6 were being projected from?</p> <p>7         A. I don't know.</p> <p>8         Q. For instance, if it was being</p> <p>9 projected from some distance away, you know,</p> <p>10 from city property?</p> <p>11        A. I don't know.</p> <p>12        Q. If you could turn to tab 34.</p> <p>13                    (Exhibit 11 was marked for</p> <p>14 identification.)</p> <p>15                    (Exhibit 12 was marked for</p> <p>16 identification.)</p> <p>17 BY MR. RETHY:</p> <p>18        Q. And this is a composite document.</p> <p>19 I think there should be something like a blue</p> <p>20 sheet separating an email and then some</p> <p>21 letters; is that correct?</p> <p>22        A. Yes. That's correct.</p> <p>23        Q. And so this will be Exhibits 11 and</p> <p>24 12.</p> <p>25                   So you see the email or the email</p>	<p>Page 79</p>
<p>1                    BRENT ALLEN LARSON</p> <p>2 thread. So this starts with an email from the</p> <p>3 sheriff to the board of supervisors, correct?</p> <p>4         A. Correct.</p> <p>5         Q. And the subject of the email is</p> <p>6 letters sent to various Oxford and University</p> <p>7 of Mississippi officials regarding events that</p> <p>8 took place on August 28th; is that fair?</p> <p>9         A. Yes, it is.</p> <p>10        Q. Now, the sheriff says that he would</p> <p>11 imagine that each of you have had your share of</p> <p>12 phone calls concerning those events and have</p> <p>13 your own concerns about what took place on the</p> <p>14 courthouse grounds.</p> <p>15                   Do you see that?</p> <p>16         A. No. Where is that?</p> <p>17         Q. It's in the sheriff's email,</p> <p>18 just --</p> <p>19         A. I got it. I'm with you.</p> <p>20         Q. So is that correct? Did you have</p> <p>21 phone calls regarding events on August 28,</p> <p>22 2020?</p> <p>23         A. I didn't.</p> <p>24         Q. And what's your understanding of</p> <p>25 what the sheriff is referring to in terms of</p>	<p>Page 80</p>	<p>Page 81</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 those events?</p> <p>3         A. The Ole Miss football team march.</p> <p>4         Q. And did you have concerns about</p> <p>5 that march?</p> <p>6         A. I did.</p> <p>7         Q. What was the nature of those</p> <p>8 concerns?</p> <p>9         A. Number one, it was unannounced.</p> <p>10 There wasn't proper time for law enforcement to</p> <p>11 prepare for it. There were people out in the</p> <p>12 street once they got -- or, actually, they</p> <p>13 marched from the university to the square and,</p> <p>14 of course, took up road space, which is a</p> <p>15 hazard in itself when it's unannounced. And</p> <p>16 then when they got to the square, the monument,</p> <p>17 they were out in the street, as well. So</p> <p>18 there's a safety issue all the way through.</p> <p>19         Q. The streets of the Oxford town</p> <p>20 square -- so the streets that surround the</p> <p>21 courthouse grounds -- are those city or county</p> <p>22 jurisdiction?</p> <p>23         A. City.</p> <p>24         Q. And so what role does the county</p> <p>25 play with respect to traffic-safety issues</p>

<p style="text-align: right;">Page 82</p> <p>1                    BRENT ALLEN LARSON      2 related to those streets?      3                 A. Technically, none, but the -- they      4 can assist on a unannounced venue like this.      5 Now, whether they did or not, I don't know.      6                 Q. But traffic-safety issues are      7 the -- on those streets are primarily the      8 responsibility of the City of Oxford, correct?      9                 A. Correct.      10                Q. And so beyond -- so did you have      11 concerns regarding this march beyond traffic      12 safety concerns?      13                A. Yes.      14                Q. And what were those concerns,      15 specifically?      16                A. There was a nonpermitted march in      17 violation of the permit -- of a permit, if it      18 was issued. There was violations of our policy      19 and no permit was achieved.      20                Q. So your concerns were that the      21 required procedures weren't followed?      22                A. Correct.      23                Q. And so you responded to the      24 sheriff's email, correct?      25                A. Yes.</p>	<p style="text-align: right;">Page 83</p> <p>1                    BRENT ALLEN LARSON      2                 Q. And you said, That's excellent,      3 Joey. I appreciate you taking the facts      4 directly to all parties involved. We stand      5 with you all the way.      6                 And what did you mean saying,      7 taking the facts directly to all parties      8 involved?      9                 A. Taking the facts to the chancellor,      10 the athletic director, and the mayor of the      11 City of Oxford.      12                Q. And what purpose did you believe      13 that served?      14                A. What, now?      15                Q. What purpose do you believe it      16 served to take those facts to those parties?      17                A. Because of the violation that      18 occurred.      19                Q. And so then David Rikard responds      20 and says, Thank you, Sheriff. I know this is      21 taking a toll on all of us.      22                Do you agree with that statement?      23                A. I don't know what he's referring to      24 there.      25                Q. So as far as you were aware, there</p>
<p style="text-align: right;">Page 84</p> <p>1                    BRENT ALLEN LARSON      2 was nothing taking a toll on you personally?      3                 A. Right.      4                 Q. So do you have a sense of what      5 Mr. Rikard meant when he wrote that?      6                 A. Do what, now?      7                 Q. Do you have a sense of what      8 Mr. Rikard meant in sending that email?      9                 A. No, I don't know. I don't know      10 who -- other than taking a toll on the law      11 enforcement of having to take extra time to --      12 to do their job on the statue -- on the      13 monument.      14                Q. So if you turn to the letters      15 behind the slip sheet.      16                A. Do what, now?      17                Q. So behind the email, there's some      18 letters, right -- just moving on to the      19 letters. And first, there's a letter to Mayor      20 Tannehill, correct?      21                A. Correct.      22                Q. And did you review this letter      23 prior to today?      24                A. Yeah. I've scanned through it.      25                Q. And so you reviewed it -- when the</p>	<p style="text-align: right;">Page 85</p> <p>1                    BRENT ALLEN LARSON      2 sheriff sent this email, you also reviewed the      3 attachments to these?      4                 A. Yes. Yeah.      5                 Q. And you see in the second      6 paragraph, the sheriff writes, It's very      7 concerning that the City of Oxford's mayor      8 would not notify anyone with the Oxford Police      9 Department, much less anyone at the Lafayette      10 County Sheriff's Department that approximately      11 120 emotionally charged grown men would be      12 marching and protesting upon City of Oxford      13 streets and on the Lafayette County Courthouse      14 grounds.      15                Do you see that?      16                A. I do.      17                Q. And do you agree that -- with the      18 sheriff that that's concerning?      19                A. Absolutely.      20                Q. And could you explain why?      21                A. Well, the facts speak for      22 themselves, that 120 emotionally charged grown      23 men were marching without any notice or -- any      24 notice whatsoever so the city and the county      25 law enforcement could prepare for it -- prepare</p>

<p style="text-align: right;">Page 86</p> <p>1                    BRENT ALLEN LARSON      2 correctly for it.      3                    Q. And if you'll look at the next      4 page, this is a letter from Mayor Tannehill to      5 Sheriff East, correct?      6                    A. Yes.      7                    Q. Have you seen this letter before?      8                    A. No.      9                    Q. So do you have any sense of what      10 Mayor Tannehill might have meant in telling      11 Sheriff East that his information is simply not      12 correct?      13                    A. I don't know what you mean.      14                    Q. If you could turn to the next page.      15 And this is a letter from Sheriff East to the      16 University of Mississippi administrators,      17 correct?      18                    A. That's correct.      19                    Q. And have you seen this letter      20 before?      21                    A. Yes.      22                    Q. And you saw this letter before      23 because it was attached to Sheriff East's      24 email?      25                    A. Correct.</p>	<p style="text-align: right;">Page 87</p> <p>1                    BRENT ALLEN LARSON      2                    Q. And if you just go down to the --      3 this page 2 of this letter, second-to-last      4 paragraph, you see it says, The Lafayette      5 County Sheriff's Department is requesting that      6 the cost for all dedicated personnel hours for      7 both on-duty and off-duty (overtime) personnel      8 be paid by the University of Mississippi. (See      9 attached for hours.)      10                  Correct?      11                  A. Correct.      12                  Q. Do you know under what      13 circumstances the sheriff is entitled to charge      14 members of the public directly for law      15 enforcement time?      16                  A. I don't know.      17                  Q. Do you know whether -- if the      18 sheriff's department makes such a request --      19 whether a member of the public is legally      20 obligated to comply with it?      21                  A. I don't know.      22                  Q. When you read this, did the fact      23 that the sheriff was seeking to charge the      24 university for the officers' time, did that      25 present any concerns to you?</p>
<p style="text-align: right;">Page 88</p> <p>1                    BRENT ALLEN LARSON      2                    A. None. Concerns about what?      3                    Q. Whether it's appropriate for law      4 enforcement to charge members of the public      5 directly for their time.      6                    A. I had no concerns whatsoever.      7                    Q. Are you aware of any other      8 instances in which the sheriff's department      9 charged members of the public directly for      10 officers' time?      11                  A. No.      12                  Q. Did this seem unusual to you?      13                  A. No.      14                  MR. RETHY: So, David, did      15 you see the email I sent you?      16                  MR. O'DONNELL: I did. I      17 sent an email back. I'd be happy      18 to print them off, Isaac. Do you      19 want me to do that?      20                  MR. RETHY: Yeah. If you      21 could, that would be great.      22                  MR. O'DONNELL: Okay. Give      23 me a couple minutes.      24                  MR. RETHY: Let's go off the      25 record very briefly while he's</p>	<p style="text-align: right;">Page 89</p> <p>1                    BRENT ALLEN LARSON      2 printing that.      3                    THE VIDEOGRAPHER: The time      4 is 11:41 a.m. Off the record.      5                    (Recess from 11:41 a.m. to      6                    11:49 a.m.)      7                    THE VIDEOGRAPHER: The time      8 is 11:49 a.m. Back on the record.      9 BY MR. RETHY:      10                 Q. So I had two documents printed just      11 to get clarity as to what these are, you know,      12 because they're not, sort of, conventionally      13 produced documents.      14                 The first document is titled,      15 Facility Use Policy Effective Date: July 20,      16 2020. And this was a document that was      17 produced by counsel for defendant by email      18 yesterday. It's in the form of a Word      19 document. And counsel for the defendant      20 represented that this was a, sort of, revision      21 of the policy that was adopted by the board at      22 its January 4, 2021 meeting.      23                 MR. RETHY: David, do you      24 disagree with any of that?      25                 MR. O'DONNELL: Well, it was</p>

<p style="text-align: right;">Page 90</p> <p>1 BRENT ALLEN LARSON      2 a document that was approved based      3 on prior revisions, yes.</p> <p>4 BY MR. RETHY:</p> <p>5 Q. Okay. And then the second document      6 is a -- which I'm adding now -- is a redline      7 comparison that I ran between the document sent      8 by Mr. O'Donnell yesterday and the 2019 version      9 of the policy. And, you know, if there's      10 objections to using this document, let me know,      11 and we can just compare the -- you know, the      12 2019 and 2020 policies manually. I just      13 thought that this -- you know, this redline      14 comparison made it easier.</p> <p>15 MR. O'DONNELL: That's fine.      16 I would have done that for you if I      17 had been asked. That's fine.      18 (Exhibit 13 was marked for      19 identification.)      20 (Exhibit 14 was marked for      21 identification.)</p> <p>22 BY MR. RETHY:</p> <p>23 Q. So back to you, Mr. Larson. So      24 regarding the document titled, Facility Use      25 Policy Effective Date: July 20, 2020, are you</p>	<p style="text-align: right;">Page 91</p> <p>1 BRENT ALLEN LARSON      2 familiar with this document?      3 A. Yes. Yes.      4 Q. Sorry. Could you repeat that?      5 A. Yes.      6 Q. And when did you first encounter      7 this document?      8 A. I don't know.      9 Q. And is it fair to say that this is      10 a version of the facility use policy that was      11 adopted at the board's January 4, 2021,      12 meeting?      13 A. I don't remember.      14 Q. Do you recall the board considering      15 or taking any action with respect to this      16 document?      17 A. Yes.      18 Q. And what's the nature of your      19 recollection?      20 A. I just remember the content. But      21 when, I don't know.      22 Q. Was it recently?      23 A. It was back in the summer sometime.      24 I don't have any problem believing it was the      25 dates on there.</p>
<p style="text-align: right;">Page 92</p> <p>1 BRENT ALLEN LARSON      2 MR. O'DONNELL: I think the      3 witness is confused.      4 THE WITNESS: Do what?      5 MR. O'DONNELL: It's okay.      6 That's my commentary.      7 But I think what Isaac is      8 asking is, although the document      9 relates to revisions in July -- I      10 think, in July -- when was that      11 particular document in front of      12 you -- when was that drafted and      13 approved by the board?      14 THE WITNESS: July.      15 MR. O'DONNELL: Okay.      16 THE WITNESS: July the -- was      17 it July the 20th? Effective date.      18 MR. O'DONNELL: Isaac, I      19 don't want to interfere with your      20 exam.      21 MR. RETHY: I mean, so far,      22 that's where I'm trying to go.      23 But --      24 THE WITNESS: This one?      25 MR. O'DONNELL: Yeah. The --</p>	<p style="text-align: right;">Page 93</p> <p>1 BRENT ALLEN LARSON      2 THE WITNESS: The final?      3 MR. O'DONNELL: I think I can      4 clarify, if you let me. But it's      5 your exam, so --      6 (Simultaneous speakers.)      7 MR. RETHY: Feel free to      8 clarify.      9 MR. O'DONNELL: What was      10 that? I didn't catch that.      11 MR. RETHY: I said, please do      12 clarify if you feel you can.      13 MR. O'DONNELL: Mr. Larson,      14 at the board's last meeting in      15 January of 2021, did the board      16 consider approving a document that      17 you have in front of you?      18 THE WITNESS: Yes.      19 MR. O'DONNELL: Okay. And      20 what was the -- what was the      21 purpose of the board approving the      22 document that -- I think that we      23 have marked down as Exhibit 13.      24 THE WITNESS: To culminate      25 everything into one document so</p>

	Page 94		Page 95
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	that we would just have one	2	BY MR. RETHY:
3	document from all the revisions.	3	Q. And so you wouldn't have seen this
4	MR. O'DONNELL: Okay.	4	particular document before. But did you, in
5	MR. RETHY: Okay. Got it.	5	the course of approving this latest overall
6	MR. O'DONNELL: Okay. So you	6	policy document, did you review a similar
7	can go from there.	7	comparison between the 2020 and 2019 policies?
8	BY MR. RETHY:	8	A. Yes.
9	Q. So were you involved in drafting	9	Q. And so if you go down to the second
10	this particular document?	10	page in the definitions section, you'll see
11	A. No.	11	that the word -- the phrase "arts
12	Q. Do you know who was responsible for	12	organizations" is struck, correct?
13	drafting it?	13	A. Correct.
14	A. Lisa -- the county administrator.	14	Q. And do you understand why that was
15	Q. And did you -- and when this was	15	struck?
16	adopted, did the board of supervisors consider	16	A. I don't.
17	each of the changes that had been made?	17	Q. So did the board discuss that
18	A. Yes.	18	language having been struck when adopting
19	Q. So let's turn to the comparison	19	this --
20	document, tab 14 -- not tab, but Exhibit 14,	20	(Simultaneous speakers.)
21	the second printed document.	21	A. I don't remember.
22	MR. O'DONNELL: Is that the	22	Q. Could you repeat your answer?
23	redline?	23	A. I'm sorry. I don't remember.
24	MR. RETHY: Yeah.	24	Q. Do you have a view as to whether an
25	///	25	arts organization should count as a nonprofit
	Page 96		Page 97
1	BRENT ALLEN LARSON	1	BRENT ALLEN LARSON
2	citizen group?	2	clarification.)
3	A. I don't know. I don't know.	3	MR. O'DONNELL: I'm just
4	Q. And so this -- so the limitation	4	looking back on the prior -- the
5	applicable, you know, where nonprofit citizen	5	2019 policy and definitions
6	groups -- where arts organizations no longer	6	section. And I don't see that that
7	count, that wasn't part of any policy until	7	language is in the definition
8	this new policy was adopted, correct?	8	section in the 2019 version of the
9	A. Right.	9	policy. So I'm not sure where that
10	Q. And this -- you'll see towards the	10	redline cross-out of "arts
11	bottom of this page, there's a section specific	11	organizations" is derived from.
12	to the courthouse grounds, correct?	12	MR. RETHY: If that's a -- I
13	A. Right.	13	guess maybe we're seeing a danger
14	Q. And do you know who drafted this	14	of informal redlines. Let me see.
15	language?	15	MR. O'DONNELL: Yeah. Okay.
16	A. Mr. O'Donnell drafted it, with the	16	Go ahead.
17	help of Lisa, our county administrator.	17	MR. RETHY: Sorry. Let me
18	MR. O'DONNELL: I'm going to	18	take just a minute to get to the
19	go stand next to Mr. Larson to look	19	bottom of what's going on with the
20	at his redline version.	20	redline. Apologies.
21	MR. RETHY: Okay.	21	So I think I probably need
22	MR. O'DONNELL: I'm just	22	five minutes to get this straight.
23	going back to the definitions	23	MR. O'DONNELL: Do you want
24	section. You've indicated --	24	to go off the record?
25	(Court reporter	25	MR. RETHY: Yeah.

<p>1 BRENT ALLEN LARSON      2 THE VIDEOGRAPHER: The time      3 is 12:03 p.m. Off the record.      4 (Off-the-record discussion      5 from 12:03 p.m. to      6 12:14 p.m.)      7 THE VIDEOGRAPHER: The time      8 is 12:14 p.m. Back on the record.      9 MR. RETHY: So it appears      10 that there are multiple iterations      11 of the 2019 policy that exist. The      12 arts organization language is      13 included in the version of the 2019      14 policy that's attached to the      15 county's opposition to our motion      16 for a preliminary injunction. But      17 it's also correct that that      18 language does not, in fact, appear      19 in other produced versions.      20 It's unclear to me what the,      21 you know, what the sort of      22 official -- I believe the arts      23 organization language is on the      24 policy that's -- version that's      25 sort of like a redline itself or a</p>	<p>Page 98</p> <p>1 BRENT ALLEN LARSON      2 track changes that's attached to      3 the order from 2019 that actually      4 adopts it. It's not, I guess,      5 clear to me what the -- you know,      6 what the county views as the      7 authoritative -- you know, as the      8 authoritative version with respect      9 to those two words. But it's maybe      10 not the biggest issue in the world.      11 MR. O'DONNELL: I appreciate      12 that. I would -- I would say this:      13 If that language is part of      14 approved policy -- that is, arts      15 organizations -- if that's included      16 in the definitions, its exclusion      17 in later version was not      18 intentional but probably a function      19 of the fact that you have, like you      20 say, more than one version floating      21 around. That exclusion was never      22 discussed. So . . .      23 MR. RETHY: Okay. So --      24 MR. O'DONNELL: I'll try to      25 see if I can find out how all that</p>
<p>1 BRENT ALLEN LARSON      2 occurred.      3 BY MR. RETHY:      4 Q. So I guess at least that -- but I'm      5 going to -- but I think that the language we've      6 been discussing, the added language in      7 paragraphs specific to the courthouse grounds,      8 does reflect an actual change as between the      9 2019 and 2020 versions that is not just a      10 function of, kind of, like, version control      11 issues or anything.      12 MR. O'DONNELL: Okay. All      13 right.      14 BY MR. RETHY:      15 Q. So turning back to this redline      16 document, Mr. Larson, I see in the new      17 paragraph concerning the courthouse grounds, it      18 states that, Permits are required for all uses      19 except no permit is required for use of the      20 area immediately surrounding the courthouse      21 (sic) memorial for groups of four or less.      22 Do you see that?      23 A. Where are you? Second page?      24 MR. O'DONNELL: The redline      25 version.</p>	<p>Page 100</p> <p>1 BRENT ALLEN LARSON      2 BY MR. RETHY:      3 Q. Correct. Second page in the      4 redline version.      5 A. Yeah. At the bottom.      6 Q. Yeah.      7 A. Okay. I got you.      8 Q. You see? The sentence I read is      9 the sentence starting, Permits are required.      10 Do you see that?      11 A. Permits are required. Yes, I got      12 you. Now I'm with you.      13 Q. Okay, great. So it says, Permits      14 are required for all uses except no permit is      15 required for use of the area immediately      16 surrounding the Confederate memorial for groups      17 of four or less.      18 Correct?      19 A. Right.      20 Q. So that's different from the      21 five-person rule as reflected in the order we      22 discussed earlier, correct?      23 A. Right.      24 Q. And could you explain how it's      25 different?</p>

<p style="text-align: right;">Page 102</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A. No. It seems to be the same, now 3 that I read it. Permits are required for all 4 uses except no permit is required for use of 5 the area immediately -- the use of the area 6 immediately surrounding the Confederate 7 memorial. I think we included the whole 8 courthouse grounds.</p> <p>9        Q. Correct. That's what I was seeing 10 as the way that this was different from the 11 order.</p> <p>12      A. Right.</p> <p>13      Q. But now you need a permit to be, 14 even if you're one person, on the courthouse 15 grounds, so long as it's not the area 16 immediately surrounding the Confederate 17 memorial; is that correct?</p> <p>18      A. Yes, sir.</p> <p>19      Q. And what's the reason for that 20 change?</p> <p>21      A. Just to keep the safety of the -- 22 because there's business going on in the 23 courthouse. Not just around the statue, but 24 you've got business going on day to day inside 25 the courthouse. So not to disrupt any business</p>	<p style="text-align: right;">Page 103</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 that's happening.</p> <p>3        Q. So do you remember earlier we were 4 talking about the -- you know, the whole series 5 of potential circumstances involving, like, a 6 group of people sitting on the benches around 7 the courthouse, correct?</p> <p>8        A. Correct.</p> <p>9        Q. So is it the case now that, 10 effectively, they're not allowed to use those 11 benches at all?</p> <p>12      A. No.</p> <p>13      Q. Do you need to get a permit for 14 even one person to sit on one of those benches?</p> <p>15      A. No.</p> <p>16      Q. And why is that not the case?</p> <p>17      A. Because you've got somebody just 18 sitting and leaving, you know. You don't have 19 to have a permit for that.</p> <p>20      Q. But one person sitting on a bench 21 and holding the poster that, you know, sets 22 forth a political opinion, that would be 23 prohibited without a permit?</p> <p>24      A. I mean, we haven't discussed that. 25 I mean, I don't know.</p>
<p style="text-align: right;">Page 104</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. So do you recall who proposed this 3 change to the five-person rule?</p> <p>4        A. Do what, now?</p> <p>5        Q. Do you recall who proposed this 6 change in the language of the five-person rule?</p> <p>7        A. The county administrator, I 8 believe.</p> <p>9        Q. And do you recall what explanation 10 was given?</p> <p>11      A. No, I don't.</p> <p>12      Q. And did the board vote unanimously 13 to adopt this?</p> <p>14      A. Yes.</p> <p>15      Q. And did the board solicit any input 16 from the public regarding the policy before 17 adopting it?</p> <p>18      A. Not that I remember.</p> <p>19      Q. And do you have an understanding as 20 to why the policy is now more lenient with 21 respect to the Confederate statue area as 22 opposed to other parts of the courthouse 23 grounds?</p> <p>24      A. Because you can fit four people 25 around that statue, and it's just -- it doesn't</p>	<p style="text-align: right;">Page 105</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 necessarily require -- one person required, you 3 know, to get a permit when you can have four up 4 there without impeding the sidewalk or traffic.</p> <p>5        Q. But you're saying that even one 6 person anywhere on the courthouse grounds 7 impedes pedestrian traffic?</p> <p>8                    MR. O'DONNELL: Object to 9 form. You can answer.</p> <p>10      A. Say again.</p> <p>11      Q. Are you saying that even one person 12 on another part of the courthouse grounds does 13 impede pedestrian traffic?</p> <p>14      A. Speculative. It's -- I don't know, 15 I mean.</p> <p>16      Q. But you're saying that was the 17 basis for the board treating the Confederate 18 statue area and the rest of the courthouse 19 grounds differently; is that correct?</p> <p>20      A. I don't know.</p> <p>21      Q. So you don't know why the 22 Confederate statue area and the rest of the 23 county courthouse grounds are treated 24 differently in this regard?</p> <p>25      A. Talking as to what?</p>

<p style="text-align: right;">Page 106</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q.    Excuse me?</p> <p>3        A.    Treated differently in what way?</p> <p>4        Q.    In that you don't need a permit for</p> <p>5    four people or less right around the</p> <p>6    Confederate statue, but you do need a permit</p> <p>7    for four people or less anywhere else on the</p> <p>8    courthouse grounds.</p> <p>9        A.    And what is your question about</p> <p>10    that?</p> <p>11      Q.    Why is the Confederate statue area</p> <p>12    and the rest of the county courthouse grounds</p> <p>13    treated differently?</p> <p>14      A.    I don't know.</p> <p>15      Q.    So if you look at page 3 of the</p> <p>16    redline, the paragraph called, Denial of</p> <p>17    Proposed Usage.</p> <p>18                  Do you see that?</p> <p>19      A.    I do.</p> <p>20      Q.    And so this paragraph now, you</p> <p>21    know, adds some language that wasn't previously</p> <p>22    in the -- you know, in the 2019 policy, right?</p> <p>23      A.    I don't know. I wasn't there in</p> <p>24    2019.</p> <p>25      Q.    Then let's look at the 2019 policy.</p>	<p style="text-align: right;">Page 107</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        A.    Where is the 2019?</p> <p>3        Q.    I think it's tab 3.</p> <p>4        A.    Page 3?</p> <p>5        Q.    Tab 3.</p> <p>6        A.    Okay.</p> <p>7        Q.    So if you look at page 2 -- there</p> <p>8    might be a blank page, but the page that is</p> <p>9    page 2 of 4.</p> <p>10      A.    Okay.</p> <p>11      Q.    And you see at the bottom, there's</p> <p>12    a paragraph called, Denial of Usage, correct?</p> <p>13      A.    Correct.</p> <p>14      Q.    And you see that this says, The</p> <p>15    county reserves the right to deny applications</p> <p>16    for use if the user has previously violated the</p> <p>17    rules set forth in this policy or if the use</p> <p>18    would pose health or safety risks.</p> <p>19                  Correct?</p> <p>20      A.    That's right.</p> <p>21      Q.    And that's the entirety of that</p> <p>22    paragraph, correct?</p> <p>23      A.    Correct.</p> <p>24      Q.    And now if you look at the newly</p> <p>25    adopted policy -- you can look at the clean</p>
<p style="text-align: right;">Page 108</p> <p>1                    BRENT ALLEN LARSON</p> <p>2    version. Do you see on page 3 of the clean</p> <p>3    version there's a paragraph called, Denial of</p> <p>4    Proposed Usage?</p> <p>5      A.    Yes.</p> <p>6      Q.    And would you agree that that</p> <p>7    paragraph corresponds to the paragraph in the</p> <p>8    2019 policy?</p> <p>9      A.    Yes.</p> <p>10     Q.    And you would agree that there's</p> <p>11    additional language that's been added to that</p> <p>12    paragraph as of this -- this new policy that</p> <p>13    was adopted by the board on January 4th,</p> <p>14    correct?</p> <p>15      A.    That's correct.</p> <p>16      Q.    So who drafted this new language?</p> <p>17      A.    Mr. O'Donnell drafted it, I</p> <p>18    believe. Between him and the county</p> <p>19    administrator.</p> <p>20      Q.    So in this paragraph, it says, The</p> <p>21    county reserves the right to deny applications</p> <p>22    or impose reasonable time, place, and manner</p> <p>23    restrictions in granting a permit, depending on</p> <p>24    the nature of the proposed use.</p> <p>25      Do you see that?</p>	<p style="text-align: right;">Page 109</p> <p>1                    BRENT ALLEN LARSON</p> <p>2      A.    I do.</p> <p>3      Q.    What's your understanding of a</p> <p>4    time, place, and manner restriction?</p> <p>5      A.    Just what it says, the time, the</p> <p>6    place, and the manner they're going -- you</p> <p>7    know, let's see. The time and the manner</p> <p>8    they're going to hold their event. And make</p> <p>9    sure there's not any competing events at the</p> <p>10   same time.</p> <p>11      Q.    So it says that the county reserves</p> <p>12    this right to impose these restrictions. Would</p> <p>13    that be -- so who at the county would actually</p> <p>14    determine those restrictions in the event the</p> <p>15    county sought to exercise this right?</p> <p>16      A.    The administrator.</p> <p>17      Q.    And --</p> <p>18      A.    And the sheriff.</p> <p>19      Q.    And what factors would they</p> <p>20    consider?</p> <p>21      A.    Competing events. I mean, that's</p> <p>22    what I know of. That's a question for them,</p> <p>23    really, since I have no part of the decision</p> <p>24    process whether to deny an application.</p> <p>25      Competing events, holidays.</p>

<p style="text-align: right;">Page 110</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. And so then later in the paragraph, 3 it says, In the event an applicant is denied a 4 permit or if a permittee objects to any use 5 restriction required by the county 6 administrator, the applicant or permittee may 7 appeal the denial or restriction to the 8 Lafayette County Board of Supervisors by filing 9 a written appeal with the county administrator 10 within 10 days of the denial or grant of the 11 permit with restrictions.</p> <p>12                    Correct?</p> <p>13                    A. Right.</p> <p>14        Q. And this appeal process is new as 15 of the adoption of this policy, correct?</p> <p>16                    A. Yes.</p> <p>17        Q. And what's your understanding of 18 how that appeal process will work?</p> <p>19        A. I've never done one, so I don't 20 know, other than what it says in the --</p> <p>21        Q. So who would decide the appeal?</p> <p>22        A. The board of supervisors.</p> <p>23        Q. And that includes yourself, 24 correct?</p> <p>25        A. Yes.</p>	<p style="text-align: right;">Page 111</p> <p>1                    BRENT ALLEN LARSON</p> <p>2        Q. And so what would you consider if 3 you received an appeal?</p> <p>4        A. Well, every situation is unique, 5 so, I mean, you really would -- it's hard to 6 say when you've got every different -- 7 different -- make sure each -- each case is 8 unique and different. I can't possibly say 9 what I would consider without knowing the 10 circumstance.</p> <p>11        Q. So you would consider it on a 12 case-by-case basis?</p> <p>13        A. That's right.</p> <p>14        Q. And you would just use your 15 judgment to make that determination?</p> <p>16        A. Right.</p> <p>17        Q. And do you have an understanding of 18 why the board decided to adopt this appeal 19 process?</p> <p>20        A. Just to give the applicant a fair 21 shot at letting the board hear it, hear their 22 case.</p> <p>23        Q. If there was an appeal, when would 24 the board consider it?</p> <p>25        A. 10 days after the denial, I</p>
<p style="text-align: right;">Page 112</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 believe.</p> <p>3        Q. So it says it has to be filed 4 within 10 days, correct?</p> <p>5        A. Right.</p> <p>6        Q. And so are you saying the board 7 would consider it immediately upon filing?</p> <p>8        A. Yes.</p> <p>9        Q. And so you would expect the board 10 to make a decision the same day that the appeal 11 was filed?</p> <p>12        A. No.</p> <p>13        Q. When would the board make a 14 decision?</p> <p>15        A. I don't know.</p> <p>16        Q. There's no -- there's nothing in 17 the policy that defines the timing by which the 18 board has to make a decision, correct?</p> <p>19        A. Correct.</p> <p>20        Q. So in a -- if you go down to the 21 last page -- or the second-to-last page of the 22 redline document.</p> <p>23        A. Okay.</p> <p>24        Q. You'll see that the paragraph 25 called, Signs -- you know, with the header,</p>	<p style="text-align: right;">Page 113</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 Signs?</p> <p>3        A. Right.</p> <p>4        Q. And then you'll see that there's an 5 added word, where the word "flag" is added.</p> <p>6        A. Right.</p> <p>7        Q. And do you understand why that word 8 was added?</p> <p>9        A. No, I don't.</p> <p>10        Q. So was that addition discussed when 11 this policy was adopted?</p> <p>12        A. No, it was not discussed.</p> <p>13        Q. Do you agree with that policy 14 change, looking at it now?</p> <p>15        A. Yes, I do.</p> <p>16        Q. And can you explain why?</p> <p>17        A. Because it's a -- a flag. It can 18 be -- obstruct someone's view or, you know, 19 it's just -- it's just not fair for one person 20 or 10 people -- however -- to have flags to 21 obstruct view -- in my opinion, to obstruct 22 someone's view.</p> <p>23        Q. So is it your understanding that 24 this policy now prohibits bringing flags onto 25 the courthouse grounds altogether?</p>

<p style="text-align: right;">Page 114</p> <p>1                    BRENT ALLEN LARSON</p> <p>2     A. Yes.</p> <p>3                    (Court reporter</p> <p>4                    clarification.)</p> <p>5     A. Altogether? No.</p> <p>6     Q. So in what way does it not?</p> <p>7     A. I don't know.</p> <p>8     Q. So why did you change your answer</p> <p>9 from the first to the second time --</p> <p>10    A. I thought it was around the</p> <p>11 monument, but I don't see something</p> <p>12 identifying -- identifying that. It's going to</p> <p>13 be on a metal, lumber, wood or plastic -- okay.</p> <p>14 It's going to be on a piece of wood or lumber.</p> <p>15 The flag will be on a piece of lumber or wood.</p> <p>16 And what was your question? I've lost it</p> <p>17 reading through this -- again?</p> <p>18    Q. I was asking whether it's your</p> <p>19 understanding that this prohibits bringing</p> <p>20 flags onto the county courthouse grounds.</p> <p>21    A. No.</p> <p>22    Q. Could you explain your</p> <p>23 understanding of what it does prohibit?</p> <p>24    A. Poles or lumber, wood that go on --</p> <p>25 that the flag goes on. It prohibits lumber or</p>	<p style="text-align: right;">Page 115</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 wood, plastic.</p> <p>3     Q. And then it says, unless such</p> <p>4 object is one-fourth inch or less in thickness</p> <p>5 and two inches or less in width, etcetera,</p> <p>6 correct?</p> <p>7     A. Right.</p> <p>8     Q. So flags are -- flags are permitted</p> <p>9 so long -- this just regulates the dimensions</p> <p>10 of the flagpole, essentially?</p> <p>11    A. Right.</p> <p>12    Q. And you previously said that you</p> <p>13 agreed with this because -- because flags can</p> <p>14 obstruct view. But that doesn't -- whether a</p> <p>15 flag obstructs a view isn't a function of the</p> <p>16 width or the dimensions of a flagpole, correct?</p> <p>17    A. Do what, now? Say again.</p> <p>18    Q. Whether or not a flag obstructs the</p> <p>19 view doesn't depend on how thick the flagpole</p> <p>20 is, correct?</p> <p>21    A. Right.</p> <p>22    Q. So under this policy, you could</p> <p>23 still have flags that obstruct view, correct?</p> <p>24    A. Right.</p> <p>25    Q. So I'm going to attempt to share my</p>
<p style="text-align: right;">Page 116</p> <p>1                    BRENT ALLEN LARSON</p> <p>2 screen to play a video. I've never really done</p> <p>3 this before, so it might not work, or you might</p> <p>4 see, like, other weird stuff on my screen, but</p> <p>5 hopefully not.</p> <p>6                    MR. O'DONNELL:</p> <p>7                    (Indiscernible.)</p> <p>8 BY MR. RETHY:</p> <p>9     Q. But let me know if -- so can you</p> <p>10 see -- do you see a video window?</p> <p>11    A. No, I don't.</p> <p>12    MR. O'DONNELL: Do you see</p> <p>13 the courthouse?</p> <p>14    THE WITNESS: Yes.</p> <p>15    MR. O'DONNELL: He sees the</p> <p>16 courthouse.</p> <p>17    A. I thought you meant -- yes, I see</p> <p>18 it. I'm sorry.</p> <p>19    Q. So, now, is the video playing?</p> <p>20    A. It is.</p> <p>21                    (Video played.)</p> <p>22 BY MR. RETHY:</p> <p>23    Q. And do you recognize what this</p> <p>24 video is showing?</p> <p>25    A. Yes, I do.</p>	<p style="text-align: right;">Page 117</p> <p>1                    BRENT ALLEN LARSON</p> <p>2     Q. And could you describe it?</p> <p>3     A. It shows a picture of the</p> <p>4 courthouse with some kind of festival, it looks</p> <p>5 like, a festival in Oxford. I can't recall it.</p> <p>6     Q. Is it -- is it fair to say this</p> <p>7 might be the Double Decker Arts Festival?</p> <p>8     A. Double Decker, yeah. That's what</p> <p>9 it looks like.</p> <p>10    Q. And so this shows some people and</p> <p>11 some booths and tents and so forth on the</p> <p>12 courthouse grounds, correct?</p> <p>13    A. Right.</p> <p>14    Q. And is this a use that might be</p> <p>15 permitted under the policies as they currently</p> <p>16 stand, or is this contrary to the current</p> <p>17 policies?</p> <p>18    A. I don't know. I do not know how</p> <p>19 they treat special events. We haven't had one</p> <p>20 since I've been in office.</p> <p>21    Q. I'm no longer sharing the screen,</p> <p>22 correct?</p> <p>23                    MR. O'DONNELL: Correct.</p> <p>24    A. Right.</p> <p>25    Q. You haven't had special events. Is</p>

<p style="text-align: right;">Page 118</p> <p>1                    BRENT ALLEN LARSON      2 that because of COVID?      3        A. Yes. That's right.      4        Q. But prior to COVID, there were      5 events that involved use of the county      6 courthouse grounds, right?      7        A. Yes, like Double Decker did. I      8 don't know what else you might be referring to.      9        Q. Have you ever attended Double      10 Decker Arts Festival?      11      A. I have.      12      Q. And do you recall what year or      13 years you might have attended it?      14      A. I don't.      15                  MR. RETHY: So let's go off      16 the record. I might be done, but I      17 just want to check my notes. So if      18 you give me five minutes.      19                  THE WITNESS: Okay.      20                  THE VIDEOGRAPHER: The time      21 is 12:46 p.m. Off the record.      22                  (Recess from 12:46 p.m. to      23                  12:53 p.m.)      24                  THE VIDEOGRAPHER: The time      25 is 12:53 p.m. Back on the record.</p>	<p style="text-align: right;">Page 119</p> <p>1                    BRENT ALLEN LARSON      2 BY MR. RETHY:      3        Q. So, Mr. Larson, we talked about      4 recently this latest version of the policy that      5 was adopted at the meeting on January 4th,      6 right?      7        A. Right.      8        Q. And we talked about this paragraph      9 concerning the courthouse grounds -- this new      10 paragraph concerning the courthouse grounds and      11 the added language in the      12 denial-of-proposed-use paragraph, correct?      13      A. Right.      14      Q. And you testified that those      15 paragraphs were written by Mr. O'Donnell and      16 Ms. Carwyle; is that correct?      17      A. Yeah. I'm under the assumption      18 that's correct. I never have asked.      19      Q. And do you know whether any of      20 those -- any of the language in those      21 paragraphs was -- was put into this policy in      22 response to this lawsuit?      23      A. No, it was not.      24      Q. And how do you know that?      25      A. Because we looked over the changes</p>
<p style="text-align: right;">Page 120</p> <p>1                    BRENT ALLEN LARSON      2 to begin with and corresponded with      3 Mr. O'Donnell.      4        Q. And how did that lead you to      5 conclude that this language was not added in      6 response to this lawsuit?      7                  MR. O'DONNELL: Object to      8 form. You can answer.      9        A. Because it was -- say it again,      10 now. I lost you.      11      Q. So what's the basis for your      12 assertion that this language wasn't added into      13 the policy in reaction to this lawsuit?      14      A. I just know it wasn't. I mean,      15 it's -- no one -- I think -- let me look and      16 see.      17                  We did it on the advice of the      18 sheriff. It was already done in June and July      19 before -- it was done in June and July upon the      20 advice of the sheriff.      21      Q. Right. But there's new language      22 that is new as of this document, which is      23 dated -- which came into existence later than      24 June and July, correct?      25      A. Right.</p>	<p style="text-align: right;">Page 121</p> <p>1                    BRENT ALLEN LARSON      2        Q. For instance, language regarding      3 reasonable time, place, and manner      4 restrictions.      5        A. Right.      6        Q. Was that language put in place by      7 the sheriff?      8                  MR. O'DONNELL: Object to      9 form. You can answer.      10      A. I'm going to say that's placed by      11 Mr. O'Donnell.      12      Q. And you don't know the specific      13 reason why Mr. O'Donnell included that      14 language, correct?      15      A. Correct. Well, I mean, it's pretty      16 self-explanatory, time, place, and manner --      17 what time, the place, and the manner you're      18 doing it. I mean, holiday or whatever was my      19 understanding.      20      Q. Are you aware that the phrase,      21 "time, place, and manner restriction" has a      22 specific meaning in First Amendment law?      23      A. Do what, now?      24      Q. That the phrase "time, place, and      25 manner restriction" has a specific meaning in</p>

<p style="text-align: right;">Page 122</p> <p>1                    BRENT ALLEN LARSON      2 First Amendment law?      3            A. No.      4            Q. Going back to the previous page in      5 the courthouse grounds paragraph: The use of      6 the courthouse exterior grounds, defined to      7 include the outside areas contiguous to the      8 circuit courthouse and the area encompassing      9 the Confederate memorial, is limited given that      10 it is primarily a place of court business.      11                 Do you see that language?      12            A. Uh-huh.      13            Q. And do you know who wrote that?      14            A. Do I know who wrote that? It's      15 going to be -- no, I don't. I was going to      16 say -- I don't know.      17            Q. And so you don't know why that      18 language was inserted into here specifically,      19 correct?      20            A. It was because of -- I lost my      21 place here. Okay. I got it. Because the      22 court carries on court and everything else,      23 business with the county. They have trials and      24 everything else, circuit clerk.      25            Q. Well, you didn't write this</p>	<p style="text-align: right;">Page 123</p> <p>1                    BRENT ALLEN LARSON      2 language, right?      3            A. Do what?      4            Q. You did not write that language      5 yourself, right?      6            A. No, I didn't.      7            Q. And so that's just your      8 interpretation of why that language would have      9 been included, right?      10            A. Right.      11                 MR. RETHY: I don't have any      12 further questions.      13                 MR. O'DONNELL: I don't have      14 any questions.      15                 THE VIDEOGRAPHER: This      16 concludes today's deposition. The      17 time is 1:00 p.m. Off the record.      18                 (The deposition of BRENT      19 ALLEN LARSON concluded at      20 1:00 p.m. Central Standard      21 Time.)      22 * * * * * * * * * * * *      23      24</p>
<p style="text-align: right;">Page 124</p> <p>1                    BRENT ALLEN LARSON      2                 REPORTER'S CERTIFICATE      3                 I, Greta H. Duckett, Certified Court      4 Reporter, Registered Professional Reporter, and      5 Certified Realtime Reporter, hereby certify      6 that on Thursday, January 14, 2021, I reported      7 the remote deposition of BRENT ALLEN LARSON,      8 who was first duly sworn or affirmed to speak      9 the truth in the matter of the foregoing cause,      10 and that the pages herein contain a true and      11 accurate transcription of the examination of      12 said witness by counsel for the parties set out      13 herein.</p> <p>14                 I further certify that I am neither of      15 kin nor of counsel to any of the parties to      16 said cause, nor in any manner interested in the      17 results thereof.</p> <p>18                 This 27th day of January, 2021.</p> <p>19      20      21</p> <hr/> <p>22 GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S      23 ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671      24</p>	

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